

**R E M A R K S**

Claims 9-18 are presented for reconsideration.

In the Office Action, claims 9-18 were rejected under 35 USC 112; claims 9 and 10 were rejected under 35 USC 102 as being anticipated by Inaba et al; claim 11 was rejected under 35 USC 103 as being unpatentable over Inaba et al in view of Naito et al; and claims 12-18 were rejected under 35 USC 103 as being unpatentable over Inaba et al in view of Naito et al in further view of Moslehi.

It is noted that the Office Action states that the drawings filed on January 28, 2002 are accepted; however, applicants did file a proposed drawing change on January 28, 2002 (see attached copy of post card receipt), which made changes to Figs. 2-12 and 14-18. These changes included the addition of element numbers in various Figures and the changing of 10 to 10' for the gate paths in the second region 9. Applicants ask that they be advised whether or not these changes have been approved. In the event the Examiner did not receive these proposed changes, applicants ask that they be advised so that we may submit a second copy for the Examiner's review.

By this amendment, the specification has been amended to correct a typographical error noted on page 4; claim 9 has been amended to overcome the rejection under 35 USC 112 and to highlight the invention over the prior art; and claim 13 has been amended to overcome the rejection under 35 USC 112.

Claim 9, as amended, complies with 35 USC 112. It is respectfully submitted that, as amended, the application clearly states forming sacrificial contacts in the second region, then forming additional spacers in the first region, removing a portion of the sacrificial contacts to expose sources/drains in the second region and preparing contacts to predetermined source/drain regions in the second region and the first region. With regard to the Examiner's objections to claim 10, it is respectfully submitted that the spacers referred to in claim 10 are both the first-formed spacers and the additionally-formed spacer. With regard to the objection of claim 13, it is respectfully submitted that, as amended, the gate paths of the first region are doped with dopants having different conductive types. Thus, it is submitted that the rejections of claims 9-18 under 35 USC 112 have been overcome.

With regard to the prior art rejections, it is respectfully submitted that claims 9-18 are clearly patentable over the single reference to Inaba et al or the various combinations applied against the dependent claims, since none of the references of record teach or suggest forming the sacrificial layer in the second region and then forming additional spacers in the first region, removing a portion of the sacrificial contacts to expose source/drain regions in the second region and then preparing contacts to predetermined source/drain regions in the second and first regions. It is respectfully submitted that the portion 62 of Inaba et al, as shown in Fig. 4A, is not a sacrificial layer, since there is no teaching or suggestion of removing any portion of this to expose the underlying source/drain region. For these reasons, it is respectfully submitted that claim 9 is clearly patentable over the teachings of Inaba et al and, therefore, claims 9-18 are patentable over the prior art of record and are allowable.

In view of the amendments and explanations contained hereinabove, it is respectfully submitted that this application is now in condition for immediate formal allowance and further reconsideration to that end is earnestly solicited.

Respectfully submitted,

  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on September 5, 2003.

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Signature

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September 5, 2003

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Date